

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:18-cv-04715-TSH**

Sierra Club et al v. United States Department Of Energy  
Assigned to: Magistrate Judge Thomas S. Hixson  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/06/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Sierra Club**

represented by **Nathan Matthews**  
Sierra Club Environmental Law Program  
2101 Webster Street  
Suite 1300  
Oakland, CA 94612  
415-977-5695  
Email: [nathan.matthews@sierraclub.org](mailto:nathan.matthews@sierraclub.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Nathan D Matthews**  
Sierra Club  
85 2nd Street  
Second Floor  
San Francisco, CA 94105  
415-977-5695  
Email: [nathan.matthews@sierraclub.org](mailto:nathan.matthews@sierraclub.org)  
**ATTORNEY TO BE NOTICED**

**Casey Austin Roberts**  
Sierra Club  
Environmental Law Program  
1536 Wynkoop Suite 312  
Denver, CO 80202  
303-454-3355  
Fax: 303-572-0032  
Email: [casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Environmental Defense Fund**

represented by **Alex George Hanafi ,**  
Environmental Defense Fund  
123 Mission St.  
San Francisco, CA 94105  
202-572-3260  
Fax:  
Email: [ahanafi@edf.org](mailto:ahanafi@edf.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Benjamin Michael Levitan**  
Environmental Defense Fund  
1875 Connecticut Ave NW  
Ste. 600  
Washington, DC 20009  
202-572-3318  
Email: [blevitan@edf.org](mailto:blevitan@edf.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Casey Austin Roberts**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Nathan D Matthews**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Department Of Energy**

represented by **Robin Michael Wall**  
 United States Attorney's Office  
 Northern District of California  
 450 Golden Gate Avenue  
 P.O. Box 36055  
 San Francisco, CA 94102-3495  
 415-436-7071  
 Fax: 415-436-6748  
 Email: [robin.wall@usdoj.gov](mailto:robin.wall@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/06/2018	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against United States Department Of Energy ( Filing fee \$ 400, receipt number 0971-12569871.). Filed by Sierra Club, Environmental Defense Fund. (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment C, # <u>4</u> Exhibit Attachment D, # <u>5</u> Civil Cover Sheet)(Roberts, Casey) (Filed on 8/6/2018) (Entered: 08/06/2018)
08/06/2018	<u>2</u>	Proposed Summons. (Roberts, Casey) (Filed on 8/6/2018) (Entered: 08/06/2018)
08/06/2018	<u>3</u>	Case assigned to Magistrate Judge Maria-Elena James.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 8/20/2018. (as, COURT STAFF) (Filed on 8/6/2018) (Entered: 08/06/2018)
08/06/2018	<u>4</u>	Certificate of Interested Entities by Sierra Club identifying Corporate Parent Sierra Club for Sierra Club. (Roberts, Casey) (Filed on 8/6/2018) (Entered: 08/06/2018)
08/06/2018	<u>6</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/1/2018. Initial Case Management Conference set for 11/8/2018 10:00 AM. (hdjS, COURT STAFF) (Filed on 8/6/2018) (Entered: 08/07/2018)</b>
08/07/2018	<u>5</u>	MOTION for leave to appear in Pro Hac Vice ( Filing fee \$ 310, receipt number 0971-12573947.) filed by Environmental Defense Fund. (Levitan, Benjamin) (Filed on 8/7/2018) (Entered: 08/07/2018)
08/07/2018	<u>7</u>	Summons Issued as to United States Department Of Energy (hdjS, COURT STAFF) (Filed on 8/7/2018) (Entered: 08/07/2018)
08/07/2018	<u>8</u>	<b>ORDER by Magistrate Judge Maria-Elena James granting <u>5</u> Motion for Pro Hac Vice re Benjamin Michael Levitan. (rmm2S, COURT STAFF) (Filed on 8/7/2018) (Additional attachment(s) added on 8/7/2018: # <u>1</u> Certificate/Proof of Service)</b>

		(rmm2S, COURT STAFF). (Entered: 08/07/2018)
08/07/2018	<u>9</u>	Certificate of Interested Entities by Environmental Defense Fund identifying Corporate Parent Environmental Defense Fund for Environmental Defense Fund. (Levitan, Benjamin) (Filed on 8/7/2018) (Entered: 08/07/2018)
08/17/2018	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Environmental Defense Fund.. (Levitan, Benjamin) (Filed on 8/17/2018) (Entered: 08/17/2018)
08/17/2018	<u>11</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Sierra Club.. (Roberts, Casey) (Filed on 8/17/2018) (Entered: 08/17/2018)
09/04/2018	<u>12</u>	<b>ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Thomas S Hixson for all further proceedings. Magistrate Judge Maria-Elena James no longer assigned to the case. (tnS, COURT STAFF) (Filed on 9/4/2018) (Entered: 09/04/2018)</b>
09/06/2018	<u>13</u>	SUMMONS Returned Executed (FOIA) by Sierra Club. United States Department Of Energy served on 8/17/2018, answer due 9/17/2018. (Roberts, Casey) (Filed on 9/6/2018) (Entered: 09/06/2018)
09/10/2018	<u>14</u>	STIPULATION <i>Joint Stipulation Extending Time to Respond to Complaint</i> filed by United States Department Of Energy. (Wall, Robin) (Filed on 9/10/2018) (Entered: 09/10/2018)
09/11/2018	<u>15</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Department Of Energy.. (Wall, Robin) (Filed on 9/11/2018) (Entered: 09/11/2018)
10/19/2018	<u>16</u>	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (cmf, COURT STAFF) (Filed on 10/19/2018) (Entered: 10/19/2018)
10/22/2018	<u>17</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Levitan, Benjamin) (Filed on 10/22/2018) (Entered: 10/22/2018)
10/22/2018	<u>18</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Roberts, Casey) (Filed on 10/22/2018) (Entered: 10/22/2018)
10/31/2018	<u>19</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Parties and Counsel</i> (Wall, Robin) (Filed on 10/31/2018) (Entered: 10/31/2018)
10/31/2018	<u>20</u>	STIPULATION <i>Joint Stipulation Extending Time to Respond to Complaint</i> filed by United States Department Of Energy. (Wall, Robin) (Filed on 10/31/2018) (Entered: 10/31/2018)
11/01/2018	<u>21</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Department Of Energy. (Wall, Robin) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/02/2018	<u>22</u>	<b>ORDER continuing Initial Case Management Conference from November 8, 2018 to January 17, 2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Case Management Statement due by 1/10/2019. Signed by Judge Thomas S. Hixson on 11/02/2018. (tshlc2S, COURT STAFF) (Filed on 11/2/2018) (Entered: 11/02/2018)</b>
12/28/2018	<u>23</u>	ADMINISTRATIVE MOTION for Stay and Continuance filed by United States Department Of Energy. Responses due by 1/2/2019. (Attachments: # <u>1</u> Declaration of Robin M. Wall, # <u>2</u> Proposed Order)(Wall, Robin) (Filed on 12/28/2018) (Entered: 12/28/2018)
01/03/2019	<u>24</u>	<b>ORDER by Magistrate Judge Thomas S. Hixson granting <u>23</u> Administrative Motion Continue response deadline and case management conference. The Deadline and the Case Management Conference are STAYED until after the end of the Government shutdown. (rmm2S, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)</b>

01/31/2019	<u>25</u>	STIPULATION WITH PROPOSED ORDER <i>Joint Stipulation regarding Scheduling; Proposed Order</i> filed by United States Department Of Energy. (Wall, Robin) (Filed on 1/31/2019) (Entered: 01/31/2019)
01/31/2019	<u>26</u>	<b>ORDER by Judge Thomas S. Hixson granting <u>25</u> Stipulation. Initial Case Management Conference set for 2/14/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. (tshlc2S, COURT STAFF) (Filed on 1/31/2019) (Entered: 01/31/2019)</b>
02/01/2019	27	CLERK'S NOTICE CONTINUING INITIAL CASE MANAGEMENT CONFERENCE:  The Court is unavailable on February 14, 2019, therefore the Initial Case Management Conference is rescheduled to February 21, 2019 at 10:00 a.m., in Courtroom A, 15th Floor, before Magistrate Judge Thomas S. Hixson.  A Joint Case Management Statement shall be filed no later than February 14, 2019.  ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (rmm2S, COURT STAFF) (Filed on 2/1/2019) (Entered: 02/01/2019)
02/05/2019	<u>28</u>	<i>Defendant's ANSWER to Complaint for Declaratory and Injunctive Relief</i> by United States Department Of Energy. (Wall, Robin) (Filed on 2/5/2019) (Entered: 02/05/2019)
02/14/2019	<u>29</u>	MOTION to Appear by Telephone filed by Environmental Defense Fund. (Attachments: # <u>1</u> Proposed Order)(Levitan, Benjamin) (Filed on 2/14/2019) (Entered: 02/14/2019)
02/14/2019	<u>30</u>	CASE MANAGEMENT STATEMENT <i>Joint Case Management Statement</i> filed by United States Department Of Energy. (Wall, Robin) (Filed on 2/14/2019) (Entered: 02/14/2019)
02/19/2019	<u>31</u>	<b>ORDER: Case Management Conference continued to 5/16/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Case Management Statement due 5/9/2019. Motion to appear by telephone denied as moot. Signed by Judge Thomas S. Hixson on 2/19/2019. (tshlc2, COURT STAFF) (Filed on 2/19/2019) (Entered: 02/19/2019)</b>
02/25/2019	<u>32</u>	STIPULATION <i>Joint Stipulation Regarding Scheduling</i> filed by United States Department Of Energy. (Wall, Robin) (Filed on 2/25/2019) (Entered: 02/25/2019)
05/01/2019	<u>33</u>	MOTION to Compel <i>Production of Documents and Enforce Joint Stipulation</i> filed by Environmental Defense Fund, Sierra Club. Motion Hearing set for 6/6/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Thomas S. Hixson. Responses due by 5/15/2019. Replies due by 5/22/2019. (Attachments: # <u>1</u> Exhibit Exhibits A, B, and C)(Matthews, Nathan) (Filed on 5/1/2019) (Entered: 05/01/2019)
05/02/2019	<u>34</u>	<b>Discovery Order. Order DENYING <u>33</u> Motion to Compel. Signed by Judge Thomas S. Hixson on 5/2/2019. (tshlc2S, COURT STAFF) (Filed on 5/2/2019) (Entered: 05/02/2019)</b>
05/02/2019		Set/Reset Hearing re <u>34</u> Discovery Order, Terminate Motions Discovery Meet and Confer set for 5/9/2019 at 11:00 AM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 5/2/2019) (Entered: 05/02/2019)
05/09/2019	<u>35</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Department Of Energy. (Wall, Robin) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/16/2019	36	<b>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Further Case Management Conference held on 5/16/2019.</b>  <b>FTR Time: 10:07–10:21.</b> <b>Total Time: 28 mins.</b>  <b>Plaintiff Attorney: Casey A. Roberts, Esq., Rep. Sierra Club</b>

		<p><b>Benjamin M. Levinson, Esq., (appeared by telephone), Rep. Environmental Defense Fund</b></p> <p><b>Defendant Attorney: Robin Wall, AUSA, Rep. U.S. Dept. of Energy</b></p> <p><b>Proceedings: Further Case Management held. Court to issue Order and shall schedule a Further Case Management Conference at the end of July.</b></p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 5/16/2019) (Entered: 05/16/2019)</p>
05/16/2019	<u>37</u>	<p>PDF with attached Audio File. Court Date &amp; Time [ 5/16/2019 10:07:49 AM ]. File Size [ 6480 KB ]. Run Time [ 00:13:30 ]. (courtspeak). (Entered: 05/16/2019)</p>
05/16/2019	<u>38</u>	<p><b>ORDER Further Case Management Conference set for 8/1/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Case Management Statement due by 7/25/2019. Signed by Judge Thomas S. Hixson on 5/16/2019. (tshlc2S, COURT STAFF) (Filed on 5/16/2019) (Entered: 05/16/2019)</b></p>
07/18/2019	<u>39</u>	<p><b>ORDER Case Management Conference CONTINUED to 8/8/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Case Management Statement due by 8/1/2019. Signed by Judge Thomas S. Hixson on 7/19/2019. (tshlc2S, COURT STAFF) (Filed on 7/18/2019) (Entered: 07/18/2019)</b></p>
08/01/2019	<u>40</u>	<p>JOINT CASE MANAGEMENT STATEMENT filed by United States Department Of Energy. (Wall, Robin) (Filed on 8/1/2019) (Entered: 08/01/2019)</p>
08/02/2019	<u>41</u>	<p>MOTION to Appear by Telephone filed by Environmental Defense Fund, Sierra Club. (Roberts, Casey) (Filed on 8/2/2019) (Entered: 08/02/2019)</p>
08/02/2019	<u>42</u>	<p><b>ORDER Case Management Conference is CONTINUED to 10/10/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Case Management Statement due by 10/3/2019. Signed by Judge Thomas S. Hixson on 8/2/2019. (tshlc2S, COURT STAFF) (Filed on 8/2/2019) (Entered: 08/02/2019)</b></p>
10/03/2019	<u>43</u>	<p>JOINT CASE MANAGEMENT STATEMENT filed by United States Department Of Energy. (Wall, Robin) (Filed on 10/3/2019) (Entered: 10/03/2019)</p>
10/03/2019	<u>44</u>	<p>MOTION to Appear by Telephone filed by Environmental Defense Fund. (Levitan, Benjamin) (Filed on 10/3/2019) (Entered: 10/03/2019)</p>
10/04/2019	<u>45</u>	<p><b>ORDER by Magistrate Judge Thomas S. Hixson granting <u>44</u> Motion to Appear by Telephone at further Case Management Conference. (rmm2S, COURT STAFF) (Filed on 10/4/2019) (Entered: 10/04/2019)</b></p>